

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JESUS M. VAZQUEZ,)
)
)
Plaintiff,)
)
) 1:10CV751
v.)
)
)
OFFICER WALN, Correctional)
Officer, J. KELLY, Unit Manager,)
T. HILDRETH, Unit Assistant)
Manager, and LEWIS SMITH,)
Administrative I Officer,)
)
)
Defendants.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on November 30, 2011, was served on the parties in this action. No objections were filed within the time limits prescribed by § 636.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the motion to dismiss of Defendants J. Kelly, T. Hildreth, and Lewis Smith [Doc. 15] is **GRANTED**, and that the motion to dismiss of Defendant Waln [Doc. 20] is **GRANTED IN PART AND DENIED IN PART**.

William L. Osteen, Jr.
United States District Judge

Date: February 14, 2012